

Response
Serial No. 09/763,882
Attorney Docket No. 001084

REMARKS

Claims 2-5 and 7-12 are pending in this application, of which claims 8, 11 and 12 have been amended. No new claims have been added.

(1) Claim 8 was objected to because of the informalities.

Claim 8 has been amended to depend only on claim 7, and also amended in accordance with the suggestion by the Examiner. Reconsideration of the objection is respectfully requested.

(2) Claims 2-5 and 11 were rejected under 35 U.S.C. §102(a) as being anticipated by Kim et al. (WO 00/09056).

Claim 11 has been amended to incorporate structural limitations specific to the breast pad, which distinguish the present invention from Kim et al. disclosing a sanitary napkin and incontinence pad. Please note that the “substantially round” of claim 11 is supported at 5, lines 11-15, which means that the claimed breast pad has a shape to contact and cover the user’s breast, excluding the rectangular shape such as the sanitary napkin as disclosed by Kim et al.

(3) Claim 12 was rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Utility Model Application No. JP-U-H1-83005.

Response
Serial No. 09/763,882
Attorney Docket No. 001084

Claim 12 has been amended, whose basis is found at Fig. 3. The surface member (1) shown in Fig.6 of JP-U-H1-83005 is only attached to one surface of the liquid-absorbing member (3). There is no disclosure in the disclosed drawings that the surface member 1, attached to one surface of the liquid-absorbing member 3, is extended to the other surface of the liquid-absorbing member 3 at the edge portion. Thus, the rejection of amended claim 12 under 35 U.S.C. §102(b) is not supported by JP-U-H1-83005. Reconsideration of the rejection is respectfully requested.

(4) Claims 7-10 and 12 were rejected under 35 U.S.C. §102(e) as being anticipated by Tanaka et al. (U.S. 6,159,190 A)

Claim 12 has been amended to incorporate the limitations that the surface member contacts a user's breast. The amendment is supported by Fig. 7. The invention of Tanaka et al. is directed to a sanitary napkin and incontinent pad (col.1, lines 5-9). Thus, the rejection of claim 12 under 35 U.S.C. §102(e) is not supported by Tanaka et al. Reconsideration of the rejection is respectfully requested.

(5) In view of the above, claims 2-5 and 7-12, as herein amended, are in condition for allowance. Applicants request such action at an early date.


Response
Serial No. 09/763,882
Attorney Docket No. 001084

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned representative at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP


Shuji Yoshizaki
Limited Recognition

SY/mt
1250 Connecticut Avenue, N.W., Suite 700
Washington, DC 20036
Tel: (202) 822-1100
Fax: (202) 822-1111

Attachment: Limited Recognition

Q:\2000\001084\001084 amd-2.doc

**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE
UNITED STATES PATENT AND TRADEMARK OFFICE**



LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)

Shuji Yoshizaki is hereby given limited recognition under 37 CFR §10.9(b) as an employee of Westerman Hattori Daniels & Adrian, LLP. to prepare and prosecute patent applications wherein the patent applicant is the client of Westerman Hattori Daniels & Adrian, LLP., and the attorney or agent of record in the applications is a registered practitioner who is a member of Westerman Hattori Daniels & Adrian, LLP. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Shuji Yoshizaki ceases to lawfully reside in the United States, (ii) Shuji Yoshizaki's employment with Westerman Hattori Daniels & Adrian, LLP. ceases or is terminated, or (iii) Shuji Yoshizaki ceases to remain or reside in the United States on an H-1B visa.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

Expires: July 7, 2007

A handwritten signature in black ink, appearing to read "Harry I. Moatz", written over a horizontal line.

Harry I. Moatz
Director of Enrollment and Discipline